

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

SHAKIRA LESLIE; and SHAMILL BURGOS; on
behalf of themselves and all others similarly situated,

Plaintiffs,

ORDER
22 cv 02305 (NRB)

v.

CITY OF NEW YORK; KEECHANT SEWELL, Police Commissioner for the City of New York, in her official capacity; KENNETH COREY, Chief of Department for the New York City Police Department, in his official capacity; JAMES ESSIG, Chief of Detectives for the New York City Police Department, in his official capacity; EMANUEL KATRANAKIS, Deputy Chief in the Forensic Investigations Division of the New York City Police Department, in his official capacity; and DR. JASON GRAHAM, Acting Chief Medical Examiner for the City of New York, in his official capacity;

Defendants.

----- X

WHEREAS, Plaintiffs have in the above-captioned action filed records of email correspondence between representatives of the Legal Aid Society and the Office of the District Attorney of Bronx County (“the Bronx DA”), concerning Shamill Burgos, a Plaintiff in the above-captioned action (ECF # 56-1), and;

WHEREAS, the criminal case against Plaintiff Burgos, *People of the State of New York v. Shamill Burgos*, 2019 BX024247, terminated in his favor, and the file of the Bronx DA concerning that criminal case is sealed pursuant to New York Criminal Procedure Law § 160.50, and;

WHEREAS, records related to the substance of the email correspondence filed by Plaintiffs in this case, concerning the request for expungement of Plaintiff Burgos’ DNA profile, may be in the criminal case file of the Bronx DA;

IT IS HEREBY ORDERED that the file of the Bronx DA in the matter of *People of the State of New York v. Shamill Burgos*, 2019BX024247, be made available to Defendants' counsel, Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, or her authorized representative, insofar as that file contains any records that relate to the November 2019 request by the Legal Aid Society for expungement of Plaintiff Burgos' DNA profile.


IT IS FURTHER ORDERED:

- copy of the documents provided to Corporation Counsel
- (1) That a ~~copy of the case file, with appropriate redactions,~~ shall be provided to plaintiffs' counsel;
 - (2) That the contents of the case file shall not be used for any purpose other than the evaluation, preparation, presentation or settlement of claims or defenses in this action;
 - (3) That any party seeking to file papers with the Court that incorporate specific and identifiable content from the case file or otherwise reveal the contents thereof shall seek permission to file the materials under seal in accordance with the Court's Individual Practices.

Dated: New York, N.Y.
September 1, 2022

2

So Ordered:



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE